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CITY OF SAINT PAUL Christopher B. Coleman, Mayor

25 West Fourth Street Saint Paul, MN 55102

To: Comprehensive Planning Committee

From: Merritt Clapp-Smith, Senior Planner

Date: April 18, 2011

Re: Zoning Amendments to Saint Paul's Use Definitions and Off-Street Parking Requirements

for Establishments Serving Wine, Beer or Liquor

BACKGROUND

On June 16, 2010, the City Council passed a comprehensive set of amendments to Saint Paul's off-street parking requirements. Although many simplifications and reductions were adopted, the approved amendments ultimately held that off-street parking requirements for establishments serving wine, beer or liquor would remain the same as they had been for many years:

- 1 space per 125 square feet for establishments serving wine or beer (and with no Entertainment licenses)
- 1 space per 100 square feet for establishments serving liquor or with Entertainment A or B licenses Possible reductions to some of the above uses had been proposed, but were not supported in the final vote, due to concerns about nuisance and parking problems created by some of these establishments. The City Council directed staff from the Departments of Planning and Economic Development, and Safety and Inspections, to examine these issues in greater detail and return to City Council with possible new recommendations for licensing and/or zoning of these establishments.

Since June 2010, staff have discussed the issues expressed by City Council members and considered a variety of potential changes. Staff focused on which characteristics differentiate one type of use from another in operations and impact to the surrounding area.

Based on our analysis, we propose modest licensing and code amendments that more clearly differentiate between the variety of establishments providing food, alcohol, and entertainment services.

RATIONALE FOR CHANGES

During Planning Commission and City Council review of off-street parking amendments last year, it was clear that uses providing alcohol or entertainment services were of particular interest and concern with regard to parking. These uses in general have more concentrated hours of peak activity than typical commercial businesses, with most patrons coming during mealtimes or for beverage or entertainment service late at night. This creates strong peaks and valleys of parking demand. The more popular an

establishment is and the more concentrated the patron use times, the more likely it is that available parking may not be adequate to meet all customer demand during peak use.

The recent off-street parking amendments were adopted acknowledging the intent that they provide adequate parking to meet demand for most uses, most of the time, while perhaps not meeting the demand for the most popular uses at the most popular times. To set parking requirements based on peak demand for the most popular uses, as the City had done in the past, created a widespread oversupply of parking and imposed an unnecessary burden on most business owners. In moving to the lower parking standards, it was recognized that for a handful of businesses with strong peak use, there may be some overflow of parking onto adjacent streets at the peak times; a consequence that neighbors and the City could accept in exchange for parking standards that better met the demand for most businesses.

Parking overflow onto adjacent streets is typically not a nuisance other than creating a more competitive parking situation. However, overflow of patrons onto neighborhood streets can create a problem if the overflow occurs late at night or involves patrons who may be loud or behave inappropriately, which more commonly occurs after people have been drinking. The combination of late night operations and alcohol service has been demonstrated to increase the chance of nuisance behavior, as shown in the attached table of complaints leading to "Adverse Action" by the City Council. Patrons leaving establishments late at night when many neighbors are asleep and things are relatively quiet in the city, are more likely to be noticed coming and going to parked cars, particularly if the patron or passengers have been drinking and are engaged in loud or rowdy behavior. For this reason, the imposition of overflow parking onto streets resulting from inadequate parking is a greater burden on neighbors late at night and when the patrons are engaged in drinking, than is the case during the day when most people are awake, the city is louder, and patrons are less likely to have been drinking.

Establishments with late night alcohol service and entertainment are also more likely to attract a greater concentration of patrons, with people standing and/or dancing, in addition to sitting at tables. The crowding phenomenon can be observed late at night at any of the popular alcohol service establishments around the city, particularly if the business is offering "Late Night Drink Specials" or other discounts to patrons. This concentration of people is higher than establishments focused on food service, where patrons are seated. Some places may focus on food service during the day and then shift to predominantly alcohol service or entertainment later at night, with a likely increase in patron volume as a result if the place is popular. Therefore, it is expected that parking demand will be higher at popular late night places serving alcohol or providing entertainment than it will be at similarly sized establishments focused on food service.

PROPOSED AMENDMENTS

City staff have proposed code and licensing amendments meant to better differentiate between establishments serving alcohol, the impacts they may create, and parking needs. The main change is the addition of a new use definition, "bar" that differentiates between establishments based on licenses and hours of operation. "Bars" would be defined as establishments serving wine, beer, or liquor and open after midnight, with or without Class A or B entertainment. "Restaurants" would be defined as establishments serving food, with or without wine, beer, or liquor service that close by midnight. These places would not be open late at night when more concentrated patron activity focused on alcohol service or entertainment occurs. If the new use definitions are adopted, hours of operation for each establishment would be recorded on City licenses and used for definition purposes.

Accompanying the new use definitions are suggested changes to off-street parking requirements and zoning district tables showing where the uses would be permitted. (See attached) It is recommended that the off-street parking requirement for establishments defined as "restaurants" be applied at the current rate for eating establishments without wine, beer and liquor service – one (1) space per 400 square feet of building gross floor area – with the rationale being that patron volume and parking demand does not change based on the type of beverage consumed by diners. The parking requirement for "Bars" is recommended at one (1) space per 150 square feet, due to the potential for increased patron volumes and parking demand, with a focus on late night alcohol service and related nuisance concerns from overflow parking.

NEXT STEP

Since this set of amendments follows up on a previous zoning study at the request of the City Council, the Planning Commission can choose whether or not to hold a public hearing on the amendments at Planning Commission. City Council will hold a public hearing when the matter comes before them, which would be enough to meet our public hearing requirements for a zoning amendment. If the Comprehensive Planning Committee recommends a public hearing at Planning Commission, it might be held on June 24, 2011, with a City Council hearing to follow in mid-late August 2011.

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